

Message Text

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ACTION EA-09

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 DHA-02 IO-13 OMB-01
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O R 220712Z MAR 77

FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 2777

INFO AMEMBASSY TOKYO

C O N F I D E N T I A L SEOUL 2290

EO 11652: GDS

TAGS: SHUM PINT KS

SUBJ: SUPREME COURT UPHOLDS MYONGDONG CONVICTIONS

REF: SEOUL 10242 1976

1. ON MARCH 22, SUPREME COURT, WITH ALL SIXTEEN JUSTICES SITING, UPHELD APPEALS COURT DECISION ON MYONGDONG CASE (SEE REFTEL). COURT IN SEPARATE DECISION ALSO UPHELD APPEALS COURT DECISION GIVING FORMER PRESIDENT YU-PO-SUN SUSPENDED SENTENCE FOR VIOLATING EM-4.

2. FAMILIES OF DEFENDANTS, SOME OF THE DEFENDANTS WHO WERE NOT INCARCERATED AND OTHER SUPPORTERS MARCHED TO COURTHOUSE IN PROCESSION SING "WE SHALL OVERCOME". WIVES AND SUPPORTERS, NUMBERING ABOUT FIFTY OR SIXTY REMAINED OUTSIDE COURTHOUSE GROUNDS. POLICE HAD LARGE NUMBER OF PLAINCLOTHESMEN IN AREA AND MAY HAVE OUTNUMBERED THE DEFENDANTS' SUPPORTERS. WIVES SHOUTED "LOOK AT WHAT HAPPENED TO INDIRA GHANDI" IN EVIDENT REFERENCE TO MRS. GHANDI'S ADVOCACY OF STRONG GOVERNMENT AND HER RECENT DEFEAT AT THE POLLS. WIVES AND DEFENDANTS HAD FREQUENT INTERVIEWS WITH FOREIGN PRESS. POLICE
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SUCCEEDED IN PREVENTING SIGNIFICANT INCIDENTS.

3. ALL DEFENDANTS WERE PRESENT AT TRIAL EXCEPT YUN PO-SUN. DEFENDANTS WHO HAD BEEN INCARCERATED WERE RETURNED TO PRISON. THOSE WHO RECEIVED SUSPENDED SENTENCES: YI HAE-TONG, AND PYONG-MU, CHANG TOK-PIL AND KIM SUNG-HUN, WERE, OF COURSE, FREE TO GO. CHONG IL-HYONG, YI TAE-YONG,

HAM SOK-HUN AND YI U-CHONG WHO HAD NOT BEEN INCARCERATED WERE NOT DETAINED AT THE COURT ALTHOUGH THIS IS THE USUAL PRACTICE WHEN A SENTENCE HAS BEEN CONFIRMED. RADIO IN SEOUL SUBSEQUENTLY THAT MINISTRY OF JUSTICE WOULD EXCUSE THEM AND YUN PO-SUM FROM SERVING TERM. IN THIS CONNECTION, IT SHOULD BE NOTED THAT MINISTRY OF JUSTICE IS EMPOWERED BY LAW TO DO THIS FOR PERSONS OVER 70 YEARS OF AGE AND CERTAIN OTHER PERSONS WHOSE HEALTH MIGHT BE ENDANGERED BY CONFINEMENT.

4. WITH THE SUPREME COURT'S CONFIRMATION OF HIS SENTENCE, CHONG IL-HYONG LOSES HIS SEAT IN THE NATIONAL ASSEMBLY. THE NDP HAS ANNOUNCED SHOCK AND INDIGNATION OVER HIS CONVICTION. NDP LEADERS WILL MEET TODAY AND THE PARTY WILL CAUCUS TOMORROW TO DISCUSS CHONG'S SITUATION. NDP SOURCES SAY THAT YI CHOL-SUNG HAS BEEN CONTACTED AND WILL RETURN FROM US TRIP URGENTLY TO JOIN PARTY DELIBERATIONS ON CHONG CASE.

5. WITH SUPREME COURT DECISION IN, MYONGDONG DEFENDANTS ONLY HOPE FOR REDUCTION OR RECISION OF SENTENCES LIES WITH EXECUTIVE PARDON PROCEDURES WHICH ARE ADMINISTERED ON INITIATIVE OF MINISTRY OF JUSTICE. AT LUCHEON WHICH OCCURRED SHORTLY AFTER ANNOUNCEMENT OF SUPREME COURT RULING, KIM HYONG-WON, BLUE HOUSE ADVISOR FOR INTERNATIONAL AFFAIRS, TOLD POLICONS HE FULLY EXPECTS USG STATEMENT IN REACTION TO DECISION. HOWEVER, HE PLEADED THAT USG REFRAIN FROM BEING SPECIFIC ABOUT MYONGDONG CASE, ALTHOUGH KIM COULD OFFER NO ASSURANCES ON HOW CONFIDENTIAL

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PRESIDENT PAK WOULD HANDLE MATTER, KIM FELT STRONG SPECIFIC PUBLIC REFERENCE TO MYONGDONG CASE BY U.S. SPOKESMAN WOULD MAKE IT DIFFICULT FOR PRESIDENT TO CONSIDER CLEMENCY FOR ACCUSED.

6. EMBASSY WOULD APPRECIATE ADVANCE TEXT OF ANY STATEMENT DEPARTMENT PLANS TO ISSUE ON MYONGDONG CASE.
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